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## FACSIMILE TRANSMISSION

Total # of Pages 22 (including this page)

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United States Patent and Trademark Office Mail Stop MISSING PARTS Examiner: Unknown Art Unit: 1637	(703) 308-1202	(703) 872-9306

From : Barry S. Wilson

Date : August 10, 2004

Client/Matter No : 034827-0802

User ID No : 3067

## MESSAGE:

Re: U.S. Patent Application No. 10/764,186  
Our Ref.: 034827-0802

Attached please find:

- Transmittal (3 pgs.); *Duplicate Copy Attached*
- Copy of Declaration and Power of Attorney filed in Parent (5 pgs.);
- Return Copy of Notice to File Missing Parts (2 pgs.);
- Copy of Sequence Listing filed in Parent Patent Application (3 pgs.);
- Copy of Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825 (2 pgs.);
- Amendment in Response to Notice to File Missing Parts (3 pgs.);
- Request for one-month extension of time;
- Authorization to charge Deposit Acct. No. 50-0872 in the amount of \$ 110.00

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To:
		Germaine Sarda
<p>CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.</p>		

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NO. 2978 P. 2

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AUG 10 2004

Atty. Dkt. No. 034827-0802

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: EXNER et al.

Title: OLIGONUCLEOTIDES AND  
METHODS FOR DETECTING  
BORRELIA BURGDORFERI

Appl. No.: 10/764,186

Filing Date: 1/23/2004

Examiner: Unknown

Art Unit: 1637

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<i>Germaine Sarda</i> (Printed Name)	
<i>Germaine Sarda</i> (Signature)	
August 10, 2004 (Date of Deposit)	

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed 05/11/2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

- Copy of Declaration and Power of Attorney filed in Parent Patent Application No. 10/011,340 (5 pages).
- Return Copy of Notice to File Missing Parts (2 pages)
- Copy of Sequence Listing paper copy filed in Parent Patent Application No. 10/011,340, and filed in the instant case on January 23, 2004 (3 pages).

Atty. Dkt. No. 034827-0802

Copy of Statement to Support Filing and Submission of Sequence Listing Previously Submitted in Parent Application, which was filed in the instant case on January 23, 2004 (2 pages).

Preliminary Amendment in Response to Notice to File Missing Parts (3 pages).

Return postcard.

Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Extension for response filed within the first month

Extension for response filed within the second month

Extension for response filed within the third month

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total Claims:	6	- 20	= 0	x \$18.00	= \$0.00
Independents:	3	- 3	= 0	x \$86.00	= \$0.00
If any Multiple Dependent Claim(s) present:			+ \$290.00	= \$0.00	
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration			+ \$130.00	= \$130.00	
<input checked="" type="checkbox"/> Extension fee for response filed within the first month:			+ \$110.00	= \$110.00	
			SUBTOTAL:	=	\$1,010.00
<input type="checkbox"/> Small Entity Fees Apply (subtract 1/2 of above):				=	\$0.00
			TOTAL FILING FEE:	=	\$1,010.00
			TOTAL FEE:	=	\$1,010.00
Difference to pay:			- \$900.00	-	\$110.00

Please charge Deposit Account No. 50-0872 in the amount of \$110.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

Atty. Dkt. No. 034827-0802

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date August 10, 2004

By Barry S. Wilson

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431

Atty. Dkt. No. 034827-0802

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: EXNER et al.

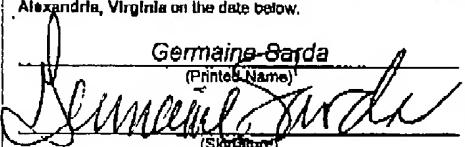
Title: OLIGONUCLEOTIDES AND  
METHODS FOR DETECTING  
BORRELIA BURGDORFERI

Appl. No.: 10/764,186

Filing Date: 1/23/2004

Examiner: Unknown

Art Unit: 1637

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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
 Germaine-Barda (Printed Name)	
August 10, 2004 (Date of Deposit)	

**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
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Independents:	3	- 3	= 0	x \$86.00	= \$0.00
If any Multiple Dependent Claim(s) present:			+ \$290.00	= \$0.00	
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration			+ \$130.00	= \$130.00	
<input checked="" type="checkbox"/> Extension fee for response filed within the first month:			+ \$110.00	= \$110.00	
			SUBTOTAL:	= \$1,010.00	
<input type="checkbox"/> Small Entity Fees Apply (subtract 1/2 of above):			=	\$0.00	
			TOTAL FILING FEE:	= \$1,010.00	
			TOTAL FEE:	= \$1,010.00	
Difference to pay:			- \$900.00	- \$110.00	

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Atty. Dkt. No. 034827-0802

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Respectfully submitted,

Date August 10, 2004By Barry S. Wilson

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/764,186	01/23/2004	Maurice Exner	034827-0802

30542  
 FOLEY & LARDNER  
 P. O. BOX 80278  
 SAN DIEGO, CA 92138-0278

CONFIRMATION NO. 7844  
 FORMALITIES LETTER  
  
 \*OC000000012590623\*

Date Mailed: 05/11/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

Due 7-11-04  
 PD 12-11-04  
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NO. 2978 P. 14

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**patin21help@uspto.gov or patin3help@uspto.gov**

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*Murphy*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
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